

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

ICONA OPPORTUNITY PARTNERS 1,)
LLC, individually and on behalf of all)
others similarly situated,)

Plaintiff,)

v.)

CERTAIN UNDERWRITERS AT)
LLOYD’S, LONDON SUBSCRIBING)
TO POLICIES B1263EW0025419,)
B1263EW0080819, and VPC-CN-)
0001842-01, *et al.*,)

Defendants.)

Case No. 1:22-cv-04140

NOTICE OF DISMISSAL

Pursuant to Fed. R. Civ. P. 41(a), Plaintiff, Icona Opportunity Partners 1, LLC, provides notice of its dismissal without prejudice of the above-captioned action. Pursuant to Fed. R. Civ. P. 41(a)(1)(A) and (B), this Notice dismisses the action, a court order is not necessary for dismissal, and the dismissal is without prejudice, given the following:

1. The Defendants have not filed an answer or a motion for summary judgment in response to the Plaintiff’s complaint.
2. Fed. R. Civ. P. 23(e) does not require the Court’s approval for a Plaintiff to dismiss a class complaint if the class has not yet been certified. A class has not yet been certified in the instant matter.

3. This dismissal is without prejudice pursuant to Fed. R. Civ. P. 41(a)(1)(B) because the Plaintiff has not “previously dismissed any federal- or state-court action based on or including the same claim ...”

Accordingly, the Plaintiff dismisses the above-captioned action without prejudice pursuant to Fed. R. Civ. P. 41(a).

CARELLA, BYRNE, CECCHI, OLSTEIN,
BRODY & AGNELLO, P.C.
Attorneys for Plaintiff and Putative Class

By: /s/James E. Cecchi
James E. Cecchi

Dated:

Adam Gomez
Adam Stoltz
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Notice of Dismissal was filed and served on February 28, 2024 via the Court's CM/ECF system.

/s/ James E. Cecchi
James E. Cecchi